

## SENATE BILL No. 5

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-38-2.5-5.5.

**Synopsis:** Home detention. Allows a court to place an offender who resides in a county adjacent to the sentencing county on home detention in the county where the offender resides if the offender is supervised by a community corrections program or probation department located in the sentencing county. Permits a court to place an offender who resides in a county that is not adjacent to the sentencing county on home detention in the county where the offender resides if the offender: (1) is eligible for home detention in the county in which the offender resides; and (2) will be supervised by a community corrections program or probation department in the county in which the offender resides.

**Effective:** July 1, 2008.

**Drozda**

January 8, 2008, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## SENATE BILL No. 5

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 35-38-2.5-5.5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5.5. (a) A court may not  
3 place an offender who resides in a different county on home detention  
4 ~~unless:~~ **in the county in which the offender resides except as**  
5 **follows:**

6 ~~(1) the offender is eligible for home detention in the county in~~  
7 ~~which the person resides; and~~

8 **(1) If the offender resides in a county adjacent to the county**  
9 **in which the sentencing court is located, supervision of the**  
10 **offender must be conducted by the probation department or**  
11 **community corrections program located in the county in**  
12 **which the sentencing court is located.**

13 **(2) If the offender resides in a county that is not adjacent to**  
14 **the county in which the sentencing court is located:**

15 **(A) the offender must be eligible for home detention in the**  
16 **county in which the offender resides; and**

17 **(B) supervision of the offender ~~will~~ must be conducted by the**



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1           probation department or community corrections program  
2           located in the county in which the offender resides.  
3       ~~(b)~~ If an offender is:  
4           (1) currently serving home detention in a county that operates a  
5           home detention program; and  
6           (2) being supervised by a probation department or community  
7           corrections program located in a different county;  
8       the court shall order that supervision of the offender be transferred to  
9       the probation department or community corrections program located in  
10      the county where the offender resides.  
11      ~~(c)~~ (b) All home detention fees described in section 8 of this chapter  
12      shall be collected by the probation department or community  
13      corrections program that supervises the offender.  
14      (c) A probation department or community corrections program  
15      that supervises an offender on home detention is responsible for  
16      the expenses of the supervision.

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